

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA

VS.

MARTY JOHN HARRIS,

Defendant

NO. 5: 08-CR-09 (CAR)

VIOLATION(s): Firearms Related

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a DETENTION HEARING was this day held in the above-captioned case before the undersigned. The defendant was represented by Mr. Christopher Brian Jarrard of the Federal Defenders Office; the United States was represented by Assistant U. S. Attorney Tamara Jarrett. Based upon the evidence presented and proffered to the court by counsel for the government and counsel for the defendant, as well as contents of the Pretrial Services Report dated November 14, 2008, I conclude that the following facts require the detention of the defendant pending the trial of this case.

PART I - FINDINGS OF FACT

- ☐ (1) There is PROBABLE CAUSE to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act.
- ☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

ALTERNATIVE FINDINGS

- ☐ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the evidence presented and proffered at the DETENTION HEARING, as supplemented by information contained in the Pretrial Services Report of the U. S. Probation Office dated November 14, 2008, establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the safety of the community were defendant Harris to be released from custody at this time. The offense charged against him is a serious firearms felony for which long-term incarceration can be expected if he is convicted. His estimated federal sentencing guideline range computed by the U. S. Probation Office is 77 months to 96 months to be served in prison. Defendant Harris possesses a criminal arrest and conviction record going back to 1990 which includes convictions for CRIMINAL DAMAGE TO PROPERTY, Superior Court of Monroe County, Georgia, 2003, and WILLFUL OBSTRUCTION OF LAW ENFORCEMENT BY USE OF THREATS OR VIOLENCE (3 cts.), Superior Court of Monroe County, Georgia, 2004. In addition, he has pending in the Superior Court of Monroe County in Case No. 2007-CR-345, charges of CRIMINAL DAMAGE TO PROPERTY, CRIMINAL DAMAGE TO PROPERTY IN THE 2ND DEGREE, STALKING (2 CTS.), AND TERRORISTIC THREATS.

The weight of evidence against defendant Harris appears to be strong with both ammunition and a shotgun found in his possession when he was arrested on the charges pending in Case No. 2007-CR-345. Defendant Harris also has a history of probation revocation as well as a history of fleeing from and fighting with law enforcement officers who were attempting to take him into custody on these charges.

Significantly, defendant Harris has a history of allegations of family violence with some four Family Violence Protective Orders having been issued in the Superior Court of Monroe County since 2002. *See Exhibits #3, #4, #5, and #6* admitted at the Detention Hearing. Testimony at the Detention Hearing indicated the opinion of the director of a family violence safe house as believing that the defendant is "the most dangerous person they had ever encountered." In addition, while in the custody of the State of Georgia at the McIver Detention Center, defendant Harris received two Disciplinary Reports, one in November of 2007 for fighting. *See Exhibit #8.*

For the foregoing reasons, even though defendant Harris is a life-long resident of the Middle District of Georgia and has strong ties to this district, the undersigned finds that he would pose a serious danger to the community were he to be released from custody. He has exhibited a pattern of violent behavior going back at least to 2002. Pretrial detention is thus mandated. **IT IS SO ORDERED AND DIRECTED.**

PART III - DIRECTIONS REGARDING DETENTION

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 17th day of NOVEMBER, 2008.



CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE